## <u>DECLARATION OF EMERGENCY AND</u> FINDINGS TO SUPPORT EMERGENCY RULEMAKING

The State Building Code Council (Council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The Council further finds that immediate amendment of a certain Council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Council adopted the 2012 edition of the International Residential Code (IRC) effective July 1, 2013 with certain amendments. This code regulates the construction methods of single-family and two family (duplex) homes and townhouses. At the time of adoption, no amendments were made to Section M2302 – Photovoltaic Solar Energy Systems. It has now come to the attention of the Council that this code section should be amended due to the potential for extremely negative economic impacts on the Solar PV industry throughout Washington State.

In terms of permit requirements, some local jurisdictions choose to exempt certain rooftop PV systems from building permit requirements, and/or may require only a simple over-the-counter permit. Other jurisdictions require full engineering reports and stamped drawings for all rooftop PV systems; this may add long wait times for project completion – up to 8 weeks - and result in significant expenses for the homeowner, estimated at an additional \$500 to \$2,500 for engineering-related expenses alone. As a result, some homeowners choose not to install the systems at all, given these additional expenses and long wait times for completion.

The industry provides an increasing number of jobs in construction, installation, and manufacturing every year. However, under the conditions cited above, some companies avoid doing business in areas of the state where the permit requirements serve as an impediment to business efficiency, even though there are potential projects available in those areas.

This emergency was brought to the attention of the Council from the WSU Energy program, in collaboration with the solar industry and a group of local code officials to address the need for a code amendment, to be adopted as soon as possible. The proposed emergency rule is estimated to result in a 10 to 30 percent increase in annual sales for the majority of solar installers. In some cases, the increase is likely to be twice that large, as solar contractors in eastern Washington would increase marketing efforts in areas they currently avoid.

The proposed emergency rule would provide exceptions to the roof covering specifications in Section M2302, such that the installation could be shown to meet certain standard requirements. These would include information on rating and listing of test standards for wind speed, maximum snow load specifications, specific dead load limits

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per square foot, requirements on the specific height of the installation above the roof, and the method of distribution of the dead load so that no excessive weight rests on any area of the roof. By allowing for these exceptions, no engineering reports would be required, and local jurisdictions would not need to require permits for most standard installations. This would result in increased business throughout the state and allow the solar PV industry to continue to thrive and grow.